

REMARKS

Status of the Application

Claims 2-11, 13-22 and 24-32 are pending in this application. The Examiner stated In the February 3, 2005, office action, the Examiner required the Applicant to elect prosecution of a single claimed invention, wherein claims 6-11, 13-22, 24 and 32 were deemed to constitute Invention I, claims 25 and 27-31 were deemed to constitute Invention II, and claim 26 was deemed to constitute Invention III.

II. Election

In response to the Restriction Requirement in the February 3, 2005 office action, Applicants hereby elect Invention I, *with traverse*. The Examiner has stated that Invention I includes claims 6-11, 13-22 and 32.

However, the Examiner did not specify which invention claims 2-5 fell under. Because claims 2-5 depend directly or indirectly from claim 6, is presumed that claims 2-5 also constitute Invention I.

Accordingly, Invention I has been elected (with traverse), which includes claims 2-11, 13-22 and 32.

III. The Restriction Should be Withdrawn

It is respectfully submitted that the Restriction Requirement should be withdrawn under M.P.E.P. 811. In particular, no “serious burden” would result if restriction is not required.

In particular, when giving a Restriction Requirement after the first office action, M.P.E.P. 811 requires that “the Examiner will consider whether there will be a serious burden if restriction is not required”. It is respectfully submitted that in the present case, no serious burden would result if the Examiner did not require restriction.

To this end, it is noted that there is no additional burden on the Examiner if restriction is not required. Not only has the first office action on the merits been issued, but *three* office actions on the merits have been issued. Accordingly, it would appear that no further burden could result from *not* restricting as all of the claims have been examined *three* times.

Moreover, all the claims are in a condition for allowance, according to the Office Action dated June 21, 2004. In particular, in that office action, the Examiner allowed claims 25-32 and deemed claims 6-11, 14-16, 19-22 and (presumably) 24 allowable if rewritten to incorporate all of the limitations of the base claim and any intervening claim. In a Response to the June 21, 2004 office action, the applicants rewrote claims 6, 14 and 24 in independent form and amended all other claims to depend from those claims. Accordingly, all of the claims are currently allowable pursuant to the Office Action dated June 21, 2004.

Because all of the claims are allowable, there cannot be any burden, much less a serious burden, if restriction is *not* required.

Accordingly, it is respectfully submitted that the restriction requirement should be

withdrawn. Pursuant to M.P.E.P. 811, there would be no serious burden if restriction is not required for multiple reasons. First, there is no serious burden due to the fact that all of the claims have been examined *three* times already. Second, there is not serious burden due to the fact that all of the claims are in a condition for allowance.

IV. Conclusion

Applicant respectfully submits that the case is in a condition for allowance, with or without the restricted claims. Favorable consideration and allowance of this application is therefore respectfully requested.

Respectfully submitted,



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